

IN THE MATTER OF

MAINE YANKEE) SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

Pursuant to the provisions of 38 M.R.S.A. Section 1301 et seq., and 06-096 CMR 400 and 402, the Solid Waste Management Regulations (November 2, 1998), the Department of Environmental Protection has considered the application of MAINE YANKEE, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

a. Application:

The applicant has applied for a license for the construction and operation of two special waste storage areas at the Maine Yankee nuclear power plant facility located at Old Ferry road, Wiscasset, Maine.

b. History:

In Department Order #L-17973-26-A-N, dated May 21, 1992, the Department approved the expansion of the Nuclear Power Plant facility located on the Old Ferry Road. Since 1992 the Department has issued a number of orders approving modifications at the development.

On August 1997, Maine Yankee ceased operations as a nuclear power plant facility. Beginning in September, 1998, Maine Yankee began power plant dismantling activities at the Site.

On January 27, 1999, Maine Yankee obtained Department licensing approval for Phase I demolition of the site. This included the removal of three guard towers,

MAINE YANKEE	2 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

security fencing, a twelve-sided fabric covered building, a gas cylinder storage building, and a condensate tank base. The license did not approve long term on site waste storage or disposal.

On August 9, 1999, Maine Yankee obtained Department licensing approval for Phase II demolition of the site. This included the removal of :

1. service building test tanks and foundation pad;
2. containment leak rate testing equipment and foundation pad;
3. de-mineralized water storage tank and foundation pad;
4. refueling water storage tank and foundation pad;
5. spray chemical addition tank and foundation pad;
6. six plant electrical transformers and foundation pads;
7. spare electrical generator storage facility;
8. auxiliary boiler stack;
9. fuel oil storage building including two 25,000 gallon above ground diesel fuel tanks and foundation pad;
10. ferrous sulfate storage tank;
11. barge slip access road maintenance and improvement
12. major equipment laydown area
13. warehouse #5 and foundation pad; and
14. asphalt and soil overlying the railroad spur providing access to turbine hall.

The license did not approve on site waste storage or disposal.

On September 21st and November 4th, 1999, Department inspections showed that Maine Yankee was not complying with the terms of the Department-issued Phase I and Phase II licenses. Specifically, wastes generated were being stockpiled on site and were not being removed to storage and disposal facilities specified in the respective licenses. In addition Maine Yankee constructed, without Department licensing approval, a storage facility pad at Bailey Point for the storage of cured concrete rubble (CCR).

In a letter to Maine Yankee dated February 23, 2000, and based in part on information provided by Maine Yankee, the Department determined in writing, except where hazardous in accordance with 06-096 CMR 850 et seq., that the concrete rubble, including the rubble proposed for storage at Bailey Point and Warehouse #5 storage areas, would be classified as special waste in accordance with statute and solid waste rule .

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

3 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

c. Summary of Proposal:

Maine Yankee proposes to obtain after-the-fact license approval for Warehouse #5 and Bailey Point storage areas. Bailey Point and Warehouse #5 storage areas will handle CCR identified as non-hazardous pursuant to 06-096 CMR 850 et seq. A portion of the CCR surfaces are painted. Two of the primary contaminants in the paint are polychlorinated biphenyl and lead. Bailey Point storage area will also contain CCR contaminated with low levels of radioactive isotopes. Warehouse #5 storage area will contain only CCR meeting Maine Yankee's free release criteria requirements (<5000 dpm per 100 square centimeters of surface area). A complete description of "free release" and the applicability of 5,000 dpm is provided in finding #17 of this license approval. CCR visually identified as containing painted or coated surfaces, or stained with chemicals will be segregated at each storage location from CCR not containing painted, coated, or stained surfaces. Total storage time is estimated to be 5 years. Total estimated volumes stockpiled at Bailey Point and Warehouse #5 storage areas will be approximately 4,000 cubic yards.

Maine Yankee's future solid waste applications will include a subsequent storage license for additional storage sites, a processing license and a solid waste disposal license. Total volumes of CCR generated will be approximately 1.5 million cubic feet or 72,200 cubic yards.

2. PROJECT DESCRIPTION

Maine Yankee will stockpile CCR at two storage locations, Bailey Point and Warehouse #5,. All as shown on the Site Plan entitled:"Figure 1, Temporary Storage Areas", drawn by Stone & Webster Engineering Corporation.

This project will involve demolishing structures sufficient to allow the removal of major plant components including the reactor vessel. The CCR from the demolition will be stockpiled in two locations, Bailey Point and Warehouse #5. Total estimated CCR stockpiled at Warehouse #5 and Bailey Point will be approximately 4,000 cubic yards storage.

Prior to demolition of the structures, except for those structures already demolished pursuant to Department's Phase I and Phase II license approval, Maine Yankee will determine that the resulting CCR is not hazardous in accordance with 06-096 CMR 850 et seq. No radiologically contaminated CCR will be stored at Warehouse #5 storage location. All characterization of the concrete for chemical and radiological constituents will be in accordance with the Concrete Characterization Plan described in finding # 17.

MAINE YANKEE	4 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

On site structures listed in Table 1 of the concrete characterization plan will be demolished and, within 45 days of demolition, CCR will be stockpiled at one of the two storage areas in accordance with this license approval.

3. PROJECTED LIFE

The applicant estimates a life expectancy of five years for the storage facilities.

4. TITLE, RIGHT OR INTEREST

The applicant has submitted to the Department, in February 1992, deeds of ownership verifying title to the Site. The land westerly of Ready Point Road, Wiscasset was purchased by the applicant in December, 1994. A quit claim deed verifying title to that portion of the Site is included in this application.

5. FINANCIAL CAPACITY

Both primary storage sites (Bailey Point and Warehouse #5) have already been sited. Bailey Point included excavating existing soils and constructing a storage pad. Construction costs were \$215,000. Costs for cover, maintenance, and inspections of the storage areas will be approximately \$112,000.

Total cost of this project, estimated at \$327, 000, will be funded from the Maine Yankee Decommissioning Fund. Current assets in the fund amounted to \$205 million as of September 30, 1999. The Maine Yankee Power Contract as last amended on August 6, 1997 permits Maine Yankee to bill its customers \$25.6 million/year for replenishing the Decommissioning Fund. Maine Yankee bank statements for 1998 and the Annual Financial Report for 1998 were previously provided to the Department on May 4, 1999 as part of the ISFSI Site Location of Development application submittal.

6. TECHNICAL ABILITY

In accordance with the Interim Service Agreement dated May 10, 2000 between Maine Yankee and Stone & Webster Engineering Corporation, the solid waste facility will be operated through June 30, 2000 under the guidance of Maine Yankee's decommissioning contractor, Stone & Webster Engineering Corporation. Maine Yankee has retained additional consulting services for the operation, maintenance, and closure of the facility by Stratex, LLC and Integrated Waste Solutions as demonstrated through its purchase order to Stratex, LLC dated May 9, 2000. All have affirmatively demonstrated adequate

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

5 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

technical ability to operate, maintain, and close Bailey Point and Warehouse #5 storage areas.

7. TRAFFIC

The facility is located within the Maine Yankee nuclear power plant site which is off Route 144 in Wiscasset, Maine. Route 144 is a paved, two lane, highway. The internal access road to the facility is also a two lane paved way. Portions of the internal access ways which branch off from the main plant road are not paved.

The decommissioning of the facility has resulted in a significant reduction of traffic entering and leaving the site. One 80,000 GVW roll-off container will leave the site daily on an averaged basis. It is anticipated, for decommissioning work on site, that traffic flow will include dump trucks, excavators, bulldozers, cranes, and loaders. Other traffic will include work force traffic for approximately 750 employees. The applicant has provided adequate provisions for the movement of traffic on and off site.

8. CIVIL & CRIMINAL DISCLOSURE

The applicant has submitted a civil and criminal disclosure in accordance with 06-096 CMR 400.12. The disclosure statement includes: a list of company officers, shareholders, and Board of Directors; and a listing of violations and adjudicated violations.

Civil adjudicated violations include:

- On June 19, 1995, Maine Yankee was fined \$250 for spilling small volumes of oil into Back River.
- On August 10, 1994 EPA Drinking Water Administrative Order was issued to Maine Yankee. The requirements in the Order were satisfactorily resolved on January 2, 1996 once Maine Yankee installed public water to the facility Site.

Four solid waste violations and 15 Nuclear Regulatory Commission violations were also listed. All have been satisfactorily resolved. Department finds that Maine Yankee has demonstrated adequate rehabilitation in accordance with 06-096 CMR 400.12(B)(2).

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

6 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

9. ADDITIONAL SITE INFORMATION

The storage facilities are not located in, on or over a protected natural resource. The facilities are not located on a mapped sand & gravel aquifer nor is it located on a mapped 100 year floodplain.

10. WASTE STORAGE AREAS

The proposed storage locations are not located within 500 feet of a residence, 100 feet of an active, inactive, or closed landfill, 100 feet of a protected natural resource, or 100 feet of an abutting property line.

A 16 mil geo-synthetic cover material, WP 2200 Silver Black manufactured by Cormier Textile Products, Inc., will be secured over Bailey Point and Warehouse #5 storage areas. The operations manual further describes the procedures for maintaining the cover over each storage location.

On site structures consisting primarily of reinforced cured concrete will be demolished and the CCR placed in either Warehouse #5 or Bailey Point storage area locations. Only CCR generated from the radiological restricted area of the site will be stockpiled at Bailey Point. CCR containing painted, coated, or stained surfaces will be stored separately at each storage location from CCR not painted, coated, or stained. A detailed breakdown of anticipated volumes and CCR sources are listed in the below tables.

Solid waste will be collected stored adjacent to demolition areas and removed to Department-approved disposal locations within 45 days of generation except solid waste placed in roll-off containers may remain on site for no more than 90 days. Generation means the point in time when debris from the demolition of buildings begins. Scrap metal determined qualifying for "free release" as defined in the characterization plan will be recycled at salvage yards.

Bailey Point Storage Location

In the latter part of 1999, the applicant constructed the base pad for Bailey Point. The construction involved excavating existing surface soil down to approximately 2.6 feet above the water table. The excavated soil (approximately 400 cubic yards) was removed to Fox-bird Island. Temporary erosion controls including silt fence are maintained around the perimeter of the soil stockpile. The soil will be eventually re-used on site as part of final site closure.

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

7 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

The Bailey Point base pad included a woven geo-textile (Miriafi 600X) overlain by 4 to 6 inches of clean sand. Bailey Point storage location covers 0.386 acres with an estimated capacity of 2,489 cubic yards. This storage location (known as storage location #1 on the site plan) is within the RA (radiologically restricted area) of the Site. Some portion of the stored waste may contain low levels of radioactive isotopes. Maximum storage height will be 12 feet. An estimated 627 cubic yards of CCR (16% of total volume) has been identified as part of demolition for large component removal and will be stockpiled at Bailey Point. An estimated 65 cubic yards of the 627 cubic yards of CCR will have painted surfaces. Additional demolition activities will also occur. Capacities will not exceed the estimated capacities for the storage area. All CCR containing painted surfaces will be segregated from CCR not containing painted surfaces. CCR with both painted and unpainted surfaces may contain radioactive isotopes above the free release standard of 5,000 dpm per 100 square centimeters.

Bailey Point Storage Area

Structure Location	Volume (cubic yards)	Restricted Area?	Painted?
Rubble from de-mineralized Water Storage Tank	300	yes	no
concrete rubble	45	yes	no
concrete rubble	65	yes	yes
Guard Tower Foundation	7	yes	no
Test Tank Foundation	30	yes	no
spray chemical addition tank, refueling water storage tank foundations	180	yes	no
Totals	627 cubic yards	627cubic yards	65 cubic yards

Warehouse #5 Storage Location

This storage location will contain CCR determined non-hazardous in accordance with 06-096 CMR 850. It is identified as storage location #15 on the site plan. Only waste which meets the radioactive free release standards described in the concrete characterization plan will be stockpiled at this location. Maximum waste storage height will be 12 feet high.

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

8 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

The storage pad for this storage location is the former warehouse parking lot and concrete slab foundation. Separation to ground water is 2.7 feet. Total storage area is 0.310 acres. An estimated 3,202 cubic yards of CCR will be stockpiled at warehouse #5 storage area. Approximately 1,502 cubic yards of the cured concrete rubble will contain painted surfaces. The primary contaminant is polychlorinated biphenyl and lead.

Warehouse #5 Storage Area

Structure Location	Volume (cubic yards)	Restricted Area?	Painted?
condensate tank foundation	100	no	no
Fuel oil bunker	1200	no	no
concrete wall from Main Transformer pad	40	no	no
concrete rubble	30	no	no
concrete rubble	2	no	yes
Warehouse 5 pad	250	no	no
Circulation Water Pump house	1500	no	yes
Sewage Treatment Plant	80	no	no
Totals	3,202 cubic yards	none	1,502 cubic yards

11. VARIANCES

The applicant has requested a variance from Chapter 400, Section 4 (M)(1)(b) which requires engineered storm water management controls where post-development storm water volumes exceed pre-development storm water volumes. In lieu of constructing detention basins or ponds, Maine Yankee proposes that post development storm water flows direct discharge to the adjacent coastal resource. No erosion of soils or significant impacts to the coastal resource are anticipated. The Department finds the applicant has submitted clear and convincing evidence demonstrating that the intent of the Maine Solid Waste Management Regulations will be met.

12. EROSION AND SEDIMENTATION CONTROL

No additional construction is proposed as part of this solid waste facility application. The perimeter of Bailey Point and Warehouse #5 are enclosed with a control structure combination consisting of Jersey barriers, hay bales, and silt fence. All as shown in Appendix I of the application. The applicant will inspect erosion control structures on a weekly basis and immediately after a significant storm event. No significant erosion of soils is anticipated.

MAINE YANKEE	9 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

13. STORM WATER RUNOFF AND SURFACE WATER QUALITY

A pre and post development storm water analysis has been submitted with the application. The results of the analysis conclude that there is an increase in the peak discharge from pre-development to post-development conditions. The post development storm water will discharge directly to the coastal resource. The storm water management plan provides adequate information to assure drainage swales and ditches leading from the storage areas to the coastal resource are adequately sized and will be constructed to avoid significant erosion of soils. The applicant will inspect storm water management structures weekly and immediately after a significant storm event.

14. OPERATIONS MANUAL

The applicant has developed an Operations Manual for the facility so that daily operations meet the requirements of Maine's current Solid Waste Management Regulations. This includes a hazardous and special waste exclusion plan and a safety plan.

15. SCENIC CHARACTER

The solid waste storage sites will be located within the existing Maine Yankee site and will be closed within 5 years. No significant impacts to scenic character are anticipated.

16. NOISE

No processing of CCR is proposed. The majority of the noise generated will be the result of operating equipment typical of demolition activities. This includes excavators, bulldozers, trucks, cranes, and front-end loaders. The nearest protected locations are 2,400 feet away. One located northwest of the site on the mainland, and the other across Back River on Westport Island. On site sound generation levels within 50 feet of the diesel engine noise sources will average 92 dBA. It is unlikely any protected location will have a sound level reading of 70 dBA during the daytime or 60 dBA during the nighttime. It is also unlikely the facility property boundary will exceed 75 dBA for daytime or nighttime noise. Due to the distances to protected locations and the property boundary, no unreasonable noise impacts are anticipated provided hearing protection, in accordance with OSHA requirements, is used when working near on site construction equipment.

17. CHARACTERIZATION PLAN

MAINE YANKEE	10 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

All on site concrete structures will be demolished as part of the decommissioning process for the Maine Yankee site. Prior to demolishing, the concrete structures will be characterized for chemical and radiological constituents. Only waste determined non-hazardous in accordance with 06-096 CMR 850 et seq. will be stockpiled at Bailey Point or Warehouse #5.

The Bailey Point storage area will accept CCR from the radiological restricted area of the site and the waste may exceed the radiological free release threshold of 5000 dpm per 100 square centimeters of surface area. The free release procedure is based on NRC criteria that establishes control over licensed radioactive material. Prior to releasing any material that could be potentially contaminated with licensed radioactive material, a survey is performed. The extent of the survey is based on “knowledge of process” (where the material was used, how it was used, what the potential of contamination is). This determines the appropriate survey techniques, the location of biased surveys and type of survey instrumentation. This evaluation is documented as part of the survey process. The greater the potential of contamination, the more vigorous the survey must be.

The survey checks for contamination on or in individual items or units of material, then the material is checked in aggregate to ensure that several small items or units with radioactivity less than detectable levels do not collectively exceed the release criteria. The required sensitivity of the survey process will be less than 5000 dpm/100 cm². This sensitivity applies to a direct measurement (frisk) or a wipe test using a 2 inch filter paper disk which is counted using a radiation detector.

The characterization plan includes methods for sampling and analysis of the concrete for chemical constituents as well as methods for quality assurance/quality control, data verification and validation.

Structures will be characterized prior to demolition except in those cases where demolition has already occurred as part of Phase I or Phase II demolition. For demolition CCR, volumetric samples will be obtained at frequencies listed in the characterization plan. Each composite sample shall include 5 random samples, as specified in the characterization plan per composite sample. CCR containing chemical coatings, stains, or otherwise suspected to be contaminated, will be separately characterized.

For standing structures and foundations, one composite sample will be developed for each 1000 square yards of wall surface and each 200 square yards of floor surface. Areas of chemical coatings, stains, or otherwise suspected to be contaminated, will be sampled at ½ inch depth increments to the visible depth of staining, and one additional sample will be collected from the remaining depth to a maximum depth of 12 inches.

MAINE YANKEE	11 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

The samples will be analyzed for volatile and semi-volatile organics, total metals, chloride, pH, total phosphorous, polychlorinated biphenyls, and petroleum hydrocarbons. TCLP will be performed, in accordance with Appendix E of 06-096 CMR 405, on samples where analytical results indicate a potential to exceed TCLP hazardous waste limits. Where historical use, staining, or other evidence indicates VOC's or petroleum compounds may be present, samples must be analyzed for VOC's and extractable petroleum hydrocarbons (Massachusetts Method). Prior to placement of additional CCR into Warehouse #5 storage area or initial placement into Bailey Point storage area, Maine Yankee will submit, for Department review and approval, characterization data including validation & verification, confirming the waste is not hazardous.

Maine Yankee, as part of future licensing applications, will be required to revise the characterization plan to include an evaluation of concrete which is not painted, coated, or stained but may have elevated chemical constituents requiring special handling. Further segregation of the CCR may be required dependent on Department review of the analytical test results.

18. SOLID WASTE DISPOSAL

Maine Yankee has identified several solid waste facilities for the transportation, storage, and disposal of solid waste generated at the Site. They are:

Transporters

Clean Harbors
 Industrial Metal Recycling
 Maine Yankee (Recycling only)
 Manafort Brothers (Recycling only)
 New England Metal Recycling
 Parkway Transport
 Pine Tree Waste
 Stone & Webster (Recycling only)
 Thompson Enterprises/KB Corp
 Waste Management, Inc.

Waste Facilities

Commercial Paving - Scarborough
 Grimm Industries - Topsham
 KTI Biofuel - Lewiston
 Pine Tree Waste - West Bath (Does not include Bath Municipal Landfill)
 Sawyer Environmental - Hampden
 Waste Management Crossroads - Norridgewock

MAINE YANKEE	12 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

Waste Management Turnkey - Rochester, NH
Wiscasset Transfer Station

Waste Management, Norridgewock; Sawyer Environmental, Hampden; and Grimmel Industries, Topsham are Department licensed solid waste facilities capable of handling construction and demolition debris, and special waste. Pine Tree Waste currently holds a valid Department non-hazardous waste transporter license for the transport of category "A" non-hazardous waste (construction and demolition debris, used tires, & special waste).

Some or possibly all of the CCR proposed for stockpiling within Bailey Point and Warehouse #5 storage areas may not be handled by one of the above solid waste facilities. Maine Yankee is proposing , dependent on preliminary geotechnical investigations, to dispose of some or all of the CCR on site within below grade concrete foundations and in excavations. No financial assurance or other mechanisms have been proposed by Maine Yankee for assuring ultimate disposal of the CCR stockpiled at Warehouse #5 or Bailey Point storage areas should on site disposal not be permitted.

Maine Yankee estimates an additional 68,378 cubic yards of CCR will be generated once all above grade structures have been demolished. Maine Yankee may be submitting another solid waste storage application to the Department for licensing additional storage areas to meet the total storage capacity requirements. As part of that application, Maine Yankee would be required to provide financial assurance for the ultimate disposal of all CCR stockpiled at the Site.

BASED on the above findings of fact, the Department makes the following conclusions:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to meet air and water pollution control standards provided qualified environmental professionals are retained.
- B. The applicant has made adequate provision for traffic movement of all types into, out of, or within the development area.
- C. The applicant has made adequate provision for fitting the Bailey Point and Warehouse #5 storage areas harmoniously into the natural environment, and the development will not adversely affect existing uses or scenic character, air quality or other natural resources in the TOWN OF WISCASSET or in neighboring municipalities provided the "free release" wastes at each storage area are covered,

MAINE YANKEE	13 SOLID WASTE ORDER
WISCASSET, LINCOLN COUNTY, MAINE)
SPECIAL WASTE STORAGE FACILITY)
#S-22005-WH-A-N)
(AFTER THE FACT APPROVAL WITH CONDITIONS)) NEW LICENSE

non-hazardous, and ultimately disposed at a Department-licensed or otherwise authorized special waste disposal facility.

- D. The proposed facility will be built on soil types which are suitable to the nature of the undertaking, and will not cause unreasonable erosion of soils.
- E. The proposed solid waste facility will not pose an unreasonable risk that a discharge to a significant ground water aquifer will occur.
- F. The applicant has made adequate provision for utilities including water supplies, sewerage facilities, solid waste disposal and roadways required for the project, and the proposed solid waste facility will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided adequate technical consultants are maintained by Maine Yankee.
- G. The proposed solid waste facility will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to a structure.
- H. The facility will not pollute any water of the State, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance provided all painted, coated, or stained CCR is separately stockpiled at each storage area.

THEREFORE, the Department APPROVES WITH CONDITIONS AND VARIANCE REQUEST the application of the MAINE YANKEE to construct and operate Bailey Point and Warehouse #5 storage areas in Wiscasset, Maine, subject to the following conditions:

- 1. The Standard Condition of Approval, a copy attached as Appendix A.
- 2. Prior to the placement of any additional CCR within Warehouse #5 storage area or initial placement into the Bailey Point storage area, Maine Yankee shall submit analytical test data including verification/validation data confirming the CCR is not hazardous. All sampling shall be under the supervision of an on site qualified environmental professional such as a certified geologist or registered professional engineer.
- 3. Within each storage area, painted, coated, or stained CCR shall be segregated in a separate pile or piles from unpainted, uncoated or unstained CCR.

MAINE YANKEE
WISCASSET, LINCOLN COUNTY, MAINE
SPECIAL WASTE STORAGE FACILITY
#S-22005-WH-A-N
(AFTER THE FACT APPROVAL WITH CONDITIONS)

14 SOLID WASTE ORDER
)
)
)
) NEW LICENSE

3. Within 60 months of this approval, Maine Yankee shall dispose at a Department licensed or or otherwise authorized special waste disposal facility, all “free release” CCR stockpiled at Warehouse #5 and Bailey Point storage areas.
4. On or before the expiration or termination of technical consulting services as described in finding #6 of this approval, Maine Yankee shall submit to the Department, for review and approval, evidence affirmatively demonstrating that Maine Yankee has maintained adequate technical consultants for the operation, maintenance and closure of the solid waste facility.

DONE AND DATED AT AUGUSTA, MAINE THIS _____ DAY
OF _____, 2000.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Martha J. Kirkpatrick, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURE.

Date of initial receipt of application: February 4, 2000

Date of application acceptance: February 25, 2000

Date filed with the Board of Environmental Protection

This order was prepared by Wm Butler, Bureau of Remediation and Waste Management

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